

15/14/88 *Revised Draft*

IN THE NAME OF ALLAH, THE BENEFICENT, THE MERCIFUL

CONSTITUTION OF THE  
INTERIM ISLAMIC GOVERNMENT  
OF AFGHANISTAN

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CHAPTER ONE

- Article I. OBJECTIVES: Establishment of an Islamic Order in accordance with the Qur'anic verse: \_\_\_\_\_  
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- Article II. The administration and running of the country's affairs based on the injunctions of Islamic Shari'ah within the scope of Hanafi Jurisprudence.
- Article III. Continuation of Armed Struggle until the complete, prompt and unconditional withdrawal of Soviet forces from Afghanistan, the overthrow of the puppet regime and establishment of an independent, free and Islamic Afghanistan.
- Article IV. Defence of the territorial integrity and safeguarding the political independence of the country.
- Article V. Ensuring public security and transition of power to an elected government.
- Article VI. Dissemination of Islamic faith (invitation to Islam).
- Article VII. Resettlement of refugees and looking after the families of martyrs and those handicapped in Jihad.

- Article VII. Reconstruction of Afghanistan.
- Article IX. Holding elections for the establishment of an elected Council and an elected government.
- Article X. Establishment of administrative units in the country based on the principle of centralization.
- Article XI. Defense of the nation's interest and representation of Afghanistan in the international forums.

#### CHAPTER TWO

- Article XII. LEADERSHIP COUNCIL: The Leadership Council is comprised of heads of the Seven-Party Unity of Islamic Unity or Afghan Mujahideen and those who are accepted to this Council with the unanimous consent of the party leaders.
- Article XIII. AUTHORITIES OF THE LEADERSHIP COUNCIL: Safeguarding the gains of Islamic Jihad and careful supervision of the implementation of orders of the Sacred religion of Islam based on Hanafi Jurisprudence.
- Article XIV. Supervision over the entire State organs.
- Article XV. Supreme Command of the Armed Forces.
- Article XVI. Declaration of war, peace and cease-fire.
- Article XVII. Appointment of head of government and approval of the cabinet.

- Article XXX. AUTHORITIES AND DUTIES OF THE GOVERNMENT: Proposal of the internal organizational set-up of the Ministries.
- Article XXXI. Proposal of the regulations and authorities of the ministries and respective departments.
- Article XXXII. Approval of internal bills of the government offices.
- Article XXXIII. Proposal of ordinary and developmental budget of the state.
- Article XXXIV. Implementation of decisions of the Leadership Council.
- Article XXXV. Enforcement and execution of the orders of Islamic Sharia'.
- Article XXXVI. Implementation of the ordinary as well as development schemes.
- Article XXXVII. Enjoining what is right (according to Islamic Sharia') and forbidding what is wrong (according to the Islamic Sharia').
- Article XXXVIII. Drafting of the constitution and the election law and other statutes in the light of Islamic Sharia'.
- Article XXXIX. Adopting Islamic measures with regards to the entire illegal conduct of the non-Islamic government in relation to state and private properties.
- Article XL. Drafting plans for reconstruction of the country.
- Article XL. Looking after affairs of the repatriates and their resettlement.

- Article XLII. Looking after the affectedes of the Jihad.
- Article XLIII. Drafting educational curriculum and its implementation in Afghanistan.
- Article XLIV. Adopting necessary measures in the execution of the final decisions of the courts.
- Article XLV. Members of the government, during their tenure of office in the cabinet, cannot be employed in other state, semi-state, institutions and private companies. The training and scientific research matters are exceptional.
- Article XLVI. Members of the government are collectively responsible for the general policies of the government and individually answerable to the head of government and before the Leadership Council.
- Article XLVII. The rights and duties of the government servants and state functionaries are regulated by law.

#### DUTIES AND AUTHORITIES OF THE HEAD OF GOVERNMENT:

The head of the government, in addition to the duties and authorities, referred to in CHAPTER THREE under the title of "Authorities and Duties of the government", assumes the following specific duties:

- Article XLVIII. Signing of the cabinet resolutions.
- Article XLIX. Signing of the international contracts and treaties on the government level.

Article XLIX. Proposing the appointment and dismissal of cabinet members for approval to the Leadership Council.

Article LI. Employment and appoint the government employees and functionaries within the framework of law.

Article LII. The head of the interim government is responsible before the Leadership Council.

Article LIII. Deputy head(s) of government aids the head of government in all of his duties and responsibilities and is answerable before the Leadership Council.

#### THE DOMESTIC AND FOREIGN

#### POLICY OF THE GOVERNMENT

Article LIII. a) DOMESTIC POLICY: The continuation of armed struggle until the total and unconditional withdrawal of Russian troops from Afghanistan and the establishment of Islamic order based on the Hanafi Jurisprudence.

Article LIV. Dissemination of the cause of Islam in the country.

Article LV. Appointment of persons on the basis of piety and in accordance with their experience and erudition.

Article LVI. Prevention of differences stemming from religious, ethnic, linguistic, national and party prejudices.

Article LVII. Serious efforts to be made towards broadening the sphere of Islamic science and education.

Article LIIIX. Developing the moral virtues and combat against corruption and degeneration, observing principles of veil(purda) provided for in the Sharia'. Ensuring the inalienable rights of all individuals, men and women alike, in the light of Islamic instructions and the provision of dignified conditions of life for all the people.

#### FOREIGN POLICY

Article LIX. Protecting the territorial integrity, independence and non-alignment of Afghanistan, and non participation in military pacts.

Article LX. Full observance of the tenets of the sacred religion of Islam in all the national and international relations, commitments and dealings.

Article LXI. All-out efforts are to be made towards ensuring international peace and security.

Article LXII. The Muslim nation of Afghanistan is a part of the Islamic Ummah and cannot remain indifferent to the issues of the Islamic World.

Article LXIIV. Strengthening of brotherly relations with nations, organizations, Islamic parties, institutions and with the governments of the Islamic countries supporting the Jihad in Afghanistan.

Article LXIV. The government is duty bound to draw the attention of those Islamic countries towards their responsibilities, who were antagonistic towards the Jihad in Afghanistan.

Article LXV. The government relations with the non-Islamic countries who are supporting our Jihad will be quite normal and

friendly, taking into account their position vis-a-vis the international issues and the Muslim Ummah.

Article LXVI. The Islamic State will always have free Islamic judgment in the face of all national and international problems.

Article LXVII. Boycotting participation in all forums which would be damaging to the prestige of Islamic issues in the international arena.

Article LXVIII. Encouraging the friendly countries to participate in the reconstruction of Afghanistan and to avoid the acceptance of conditional aids.

Article LXIX. The government shall render support to the Islamic cause of the oppressed and subjugated Muslims in all parts of the world.

Article LXX. Afghanistan, on the basis of observing the principle of Islamic concept and ensurance of universal peace, shall establish reciprocal relations within the scope of Islamic norms with all countries who desire to maintain friendly relations with Afghanistan.

Article LXXI. The government in the light of its Islamic policy shall support the rights of all oppressed and subjugated peoples and try to reject exploitation and colonialism.

Article LXXII. The government considers the liberation of Al-Quds one of its Islamic objectives and shall do its utmost in this regard.

Article LXXIII. CABINET: The Cabinet is composed of the head, three deputy heads and ministers of the following ministries:

- 1 Ministry Of Justice.
- 2 Ministry Of Interior.
- 3 Ministry Of Agriculture And Stock-Breeding.
- 4 Ministry Of Education.
- 5 Ministry Of Public Works.
- 6 Ministry Of Water And Power.
- 7 Ministry Of Aqaf And Accountability.
- 8 Ministry Of Defence.
- 9 Ministry Of Da'wa And Guidance.
- 10 Ministry Of Communications.
- 11 Ministry Of Higher Education.
- 12 Ministry Of Resettlement And Reconstruction.
- 13 Ministry Of Planning.
- 14 Ministry Of Scientific Research.
- 15 Ministry Of Foreign Affairs.
- 16 Ministry Of Public Health.
- 17 Ministry Of Commerce.
- 18 Ministry Of Mines And Industries.
- 19 Ministry Of Finance.
- 20 Ministry Of Transportation.
- 21 Ministry Of Gas And Petroleum.

#### CHAPTER FOUR

Article LXXIV. GENERAL ORDERS: The only source of all Laws And Regulations is the sacred Islamic Shari'ah.

Article LXXV. The right of determining the destiny of the Afghan nation rests with the Muslim people of Afghanistan.

Article LXXVI. The entire population of Afghanistan is totally free to take advantage of their legal rights and privileges.



- Article LXXVII. Utilization of illegal means, even though for a virtuous cause, is not permitted.
- Article LXXIX. Those who return to the fold of Islam and are repentant of their past misdeeds and display a sign of improvement in their conduct shall be pardoned in accordance with the injunctions of Sharia'.
- Article LXXIX. Kabul City is the capital of Afghanistan.
- Article LXXX. The province is the local administrative unit of the government. The number, area, parts and organization of a province can be regulated by law.
- Article LXXXI. The flag of the interim State Of Afghanistan, is a white piece of cloth the length of which is double the width. The emblem of the State is composed of two branches of wheat and two swords in the form of semi-circles in the middle of which is the Shahadah, Kunbar and the Holy Quran above the Shahadah which reads Bismillah-hir Rahman-hir Rahim wa Allah Akbar and the rays of the rising sun shining in the middle constitutes the upper part of the emblem.
- Article LXXXIII. (Judiciary) is one of the independent organs of the state whose mode of set-up and jurisdiction shall be regulated by law.
- Article LXXXIV. The Leadership Council and interim government shall be dissolved after the approval of the constitution, completion of elections and creation of the elected Council and government.

Article LXXXV. Amendments and changes in this interim constitution will take place on the unanimous decision of the members of the Leadership Council.

Article LXXXVI. The affidavit is the appendix of this provisional constitution.

Article LXXXVII. This provisional constitution is prepared in four chapters and eighty-seven articles and is enforced after the official declaration.